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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,373	03/31/2004	Andrew L. Oleson	1199 P 196	5499
26952	7590	08/03/2005	EXAMINER	
ROGER H. STEIN 311 S. WACKER DRIVE 53RD FLOOR CHICAGO, IL 60606-6622			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,373	Applicant(s) OLESON, ANDREW L.	
	Examiner Marissa L. Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51, 52 and 59-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51 and 52 is/are allowed.
- 6) ☒ Claim(s) 59-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oleson (US Patent 5,953,987) in view of Holderegger (US 5,437,925).

Regarding claims 59,63-65,69-71 and 74-76,79 and 80 Oleson teaches the apparatus and method comprising a frame (11) and frame holders (23) and fastener elements for securing the frame (24) located between the frame and frame holder. However he does not explicitly disclose a first or second set of shims with a predetermined thickness positioned between the frame and the holder. Holderegger teaches a stencil holder with a pair of shims (19). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Oleson to replace fastener thereof with a pair of shims as taught by Holderegger, since Holderegger teaches that it is advantageous to provide a snug and secure connection thereby firmly locking the frame in position.

Regarding two sets of shims, Holderegger only discloses one pair of shims, however it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. ***St. Regis Paper Co. v. Bemis Co., 193 USPQ 8***. It would have been obvious to add a second set of shims, since such a

modification would result in a frame having additional shims so that additional support can be provided for a stable framing structure.

Regarding claims 60-62,66-68,72,73,77 and 78, Oleson teaches the method and claimed invention with the exception of a mechanism for holding or a means associated therewith for interconnecting the shim to another shim and/or frame holder. Holderegger teaches means for interconnection providing a pair of bolt rivets (17) that pass through apertures (20) and through the shims (19 and Figure 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Oleson to include a means for interconnection with a pair of bolts/rivets as taught by Holderegger, since Holderegger teaches that it is advantageous to avoid undue tension and warping when tightening a printing plate.

2. Claims 43,49 and 57 rejected under 35 U.S.C. 103(a) as being unpatentable over Oleson (US Patent 5,953,987) in view of Holderegger (US 5,437,925).

Oleson and Holderegger both teach the invention claimed and method, however they do not explicitly disclose color-coded shims. However, it has been held to be within the general skill of a worker in the art to select a color and/or material on the basis of suitability for the intended use. In re Leshin, 125 USPQ 416. It would have been obvious to provide color-coded shims in order for the operator to properly place the shims in the correct order.

Allowable Subject Matter

3. Claims 3,7,16,20,31 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 51 and 52 are allowed.

Reasons for Allowance

5. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 51 and 52, the prior art does not teach a method for modifying an existing printing press to accept a pair of height-adjusting shims comprising the steps of: positioning each one of the pair of shims on each of a pair of opposed frame holders, determining at least one location for an aperture on each of the opposed same holders to facilitate fastening of the pair of shims to the pair of opposed frame holders; positioning a drill bit on each of the opposed frame holders at the determined location and drilling a hole in each of the opposed frame holders at the determined location.

Response to Arguments

6. Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

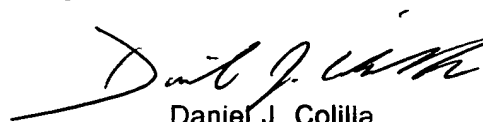
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854


Daniel J. Colilla
Primary Examiner
Art Unit 2854

